

## **LAKE COUNTY IMPACT FEE COMMITTEE**

**JANUARY 19, 2006**

The Lake County Impact Fee Committee met on Thursday, January 19, 2006 in Room 233 of the Round Administration Building in Tavares, Florida. Ordinance 1996-31, effective April 19, 1996, created this Committee to review impact fees adopted by the Board of County Commissioners, evaluate the expenditure of funds collected via impact fees, and make recommendations to the Board of County Commissioners.

Ordinance 2004-26, enacted April 6, 2004, effective April 13, 2004, changed the name of the Impact Fee Evaluation and Review Committee to the "Lake County Impact Fee Committee" and changed membership from eleven members to ten members. A current commissioner of the Lake County Board of County Commissioners shall serve as liaison in a nonvoting position and shall not be considered a member.

### **County Commission Liaison**

Commr. Jennifer Hill

### **Members Present:**

Jean Kaminski, Chairman  
Frank Royce, Vice Chairman  
Bill Benham  
Bill Calhoun  
Nancy Hurlbert  
Glenn Irby  
Jim Miller  
Robert Miller

### **Members Not Present:**

Tommy Crosby  
Ray San Fratello

### **Staff Present:**

Regina Frazier, Budget Director  
Wendy Wickwire, Impact Fee Coordinator  
Sherie Ross, Public Hearing Coordinator  
Sanford A. Minkoff, County Attorney

### **Guests Present:**

Doug McCarl, Assistant Finance Director, Lake County Schools  
Yanjan Yupp, Capital Projects Accountant, Lake County Schools

Jean Kaminski called the meeting to order at 9:30 a.m. She noted that a quorum was present and confirmed that the meeting had been duly advertised in the newspaper.

**MOTION by Jim Miller, SECONDED by Bill Benham to approve the November 17, 2005 Lake County Impact Fee Committee minutes, as submitted.**

**FOR: Kaminski, Royce, Benham, Hurlbert, Jim Miller, Robert Miller**

**AGAINST: None**

**NOT PRESENT:** Calhoun, Crosby, Irby, San Fratello

**MOTION CARRIED:** 6-0

**MOTION by Bill Benham, SECONDED by Jim Miller to nominate Jean Kaminski as Chairman of the Lake County Impact Fee Committee.**

**FOR:** Kaminski, Royce, Benham, Hurlbert, Jim Miller, Robert Miller

**AGAINST:** None

**NOT PRESENT:** Calhoun, Crosby, Irby, San Fratello

**MOTION CARRIED:** 6-0

**MOTION by Bill Benham, SECONDED by Jim Miller to nominate Frank Royce as Vice Chairman of the Lake County Impact Fee Committee.**

**FOR:** Kaminski, Royce, Benham, Hurlbert, Jim Miller, Robert Miller

**AGAINST:** None

**NOT PRESENT:** Calhoun, Crosby, Irby, San Fratello

**MOTION CARRIED:** 6-0

Glenn Irby came into the meeting.

Commr. Hill said there was a final meeting at the state level on impact fees this week. Ms. Kaminski referred to copies of an e-mail that Mr. Royce had distributed to each member with a link to access the draft recommendations of the Task Force. Ms. Kaminski said someone from the County Attorney's office would be coming to this meeting to discuss those recommendations.

Regarding the impact fee update study/studies, Ms. Wickwire said that at the December 20, 2005 Board of County Commissioners (BCC) public hearing, that topic was discussed. Commr. Hill said the Board had already approved doing a Request for Proposal (RFP) for the transportation portion of the impact fees. All the impact fees are rolling into that three-year timeframe for RFPs. Rather than do the studies piecemeal, the Board felt it would be timely to do RFPs for all the impact fees. The School Board has already hired Randy Young to review the school impact fee study. It will be well into the three-year period before the process is complete. Ms. Wickwire said one RFP would be generated for all the impact fees except for the school impact fee, but there may be different consultants for different fees; and the same consultants from previous studies may or may not be used again. She explained that the members of the Selection Committee have changed. Ms. Kaminski would still represent this Committee. T. J. Fish from the Lake Sumter Metropolitan Planning Organization as well as Jim Myers from the League of Cities have agreed to serve on the Committee. Other members will probably include representatives from Public Works and Public Safety.

In response to Jim Miller, Ms. Wickwire said impact fees can be used to pay for these studies.

In response to Mr. Royce, Ms. Wickwire said approval to advertise the RFP should be placed on the Board agenda in about a month.

At the request of Commr. Hill, Ms. Wickwire explained the process for hiring a consultant or consultants. Sandy Minkoff came into the meeting. Regarding the Osceola County lawsuit, Mr. Minkoff said it is

complete. Neither side appealed the order so it is a final order. As far as how it affects Lake County, it validated the County's impact fees because Osceola County did not give credits on the school impact fee for some other money that the School Board had that they used for things other than capacity increase, which is the same thing Lake County did in its school impact fee. The court upheld that as being valid. The court did make Osceola County reduce their fee by a small amount because of not giving credit for some interest on borrowed money during their planning period for their impact fees. Lake County did the same thing as the court did when it had Bob Nabors come in and review the proposed study. Mr. Nabors made a recommendation that the school impact fee be reduced by the interest amount.

Mr. Minkoff said the Statewide Impact Fee Task Force met yesterday; there will be one more meeting on January 31. Their report is almost complete. It will probably make a recommendation to the Legislature that there should be some kind of statutory guidance on impact fees, but there should not be an impact fee code in the Statutes. However, certain sections of the Statutes should be changed. Based on their votes yesterday, one change may be that when an impact fee is adopted, recent and localized data must be used for the study. Another change may be that when an impact fee is adopted, steps must be taken to consider affordable housing. Those steps could be deferral, waiver or some other significant commitment to affordable housing. They will be requiring that the local government audits specifically report on collection and expenditure of impact fees, which he thought Lake County's audit already does. The Task Force is also willing to require that there be a 90-day period from the date of passing an impact fee ordinance to the date of the imposition of the new fee, which typically has been Lake County's practice to be at least 90 days. There was an effort to have a requirement that if funds were not spent within seven years of collection, they had to be refunded. However, the Task Force refused to endorse that. On administrative charges, the Task Force will be recommending that the costs be no greater than actual cost. The last recommendation to the Legislature is that local government should be given some additional funding sources to deal with infrastructure. They included such things as an additional documentary stamp tax, increasing Public Education Capital Outlay (PECO) funds, allowing the county to bond more of its revenue sharing funds, and adopting the sales taxes that the school board and county can impose without a referendum. He said that is the tentative statement of the report. Once the final report is done in January, it will go to the Legislature.

Ms. Kaminski asked if the Governor will review the report or if it will go directly to the Legislature. Mr. Minkoff said he would have to look at the legislation to confirm this, but he believed the Committee was to report back to the Legislature.

Bill Calhoun came into the meeting.

Commr. Hill commented that most of the recommendations that Mr. Minkoff spoke of have already been incorporated in Lake County's Impact Fee Ordinance. However, she asked if the County would institute the new fund revenues through funding resources for them. Mr. Minkoff replied that the recommendation was that the units of local government be given those sources. It would be a statewide authority, but it would be locally implemented. This was in Senate Bill 360 last year but removed on the last day of session. The counties are strongly opposed to the recommendations even though Lake County complies with everything recommended. The counties believe that this is an imposition on home rule so the State Association of Counties will oppose the bill. It is likely that the League of Cities will do the same.

Regarding the bonding of impact fees, Mr. Minkoff said the resolution was completed in December. That resolution would allow Lake County to go forward with imposing impact fees at the time of platting. As part of the impact fee study, Lake County has asked the consultant to help the County with this issue. The County's plan is to impose that in 2006, especially for the school impact fee. Jim Miller commented that bonding is needed to deal with growth. In response to Jim Miller, Mr. Minkoff said there would be an interest component if the fee is paid over time, similar to what is used with special assessments. The impact fees would be assessed on the tax bill.

Ms. Wickwire stated that since the Impact Fee Ordinance is being updated this year, she and Ms. Kaminski had agreed that it would be better to review Chapter 22 as it is being rewritten rather than do the annual review in January as it has been done in the past. The Committee was agreeable to that approach.

Jim Miller discussed the idea of a municipal charter conversion school system in the City of Leesburg. They would like the impact fees in their district to deal with growth in Leesburg. Currently there are no districts for school impact fees. In response to Jim Miller, Mr. Minkoff said it is his understanding that the cities, the School Board and the Board of County Commissioners (BCC) all think that less than countywide concurrency is best. The legislation encourages countywide concurrency for the first five years and then requires less than countywide concurrency. At the last meeting, the discussion centered on reviewing the data before committing to that decision. Ms. Kaminski commented that up until the last study, Lake County had districts. There is a lot of concern about this new method and whether everyone is getting its fair share of the impact fees. Jim Miller said he had voted for only one district. At first he liked the flexibility for the schools, but he has developed some concerns as things have changed. Mr. Minkoff said there are several options that could be considered.

Mr. Minkoff left the meeting.

Regarding the 2006 meeting schedule review, Ms. Wickwire said there are certain months when items are scheduled for this Committee, and the timing has worked well in the past. Annual elections and the meeting schedule review are done in January; Chapter 22 (Impact Fee Ordinance) is also normally reviewed in January, but it was addressed earlier why this is not being done in January this year. The next meeting is generally held in March, and the transportation impact fee presentation is given at that time. In response to Jim Miller, Ms. Wickwire said she did not see a reason to meet in February this year unless this Committee would like an update from Mr. Minkoff on what he had discussed earlier. Mr. Calhoun asked if the members could receive an e-mail from Ms. Wickwire as she receives new information on those subjects. Ms. Wickwire said that by March, the list of consultants to be interviewed for the impact fee studies may be available. That meeting would be on March 16. The fire impact fee annual report presentation and a Legislative issues discussion normally take place at the June meeting, which is on June 15 this year. She said this Committee may need to meet more often in 2006 to review the Ordinance or other material prepared by the consultant/consultants selected. The next regularly scheduled meeting is in September, but this meeting room (Room 233) is not available. The school impact fee annual report is generally heard at that time. This room is available in August if the Committee would like to meet then. In response to Ms. Wickwire, Mr. McCarl said he did not know the timeline for the school impact fee study, but he did know that Randy Young is working on it. The August meeting date is August 17. This Committee normally meets in November (November 16 this year) to hear updates on the park and library impact fees. This year she would also recommend scheduling a meeting for October 19 as she expects the school impact fee study to be completed by that time and other studies may be ready for review. She reiterated that the meetings scheduled at this time for 2006 are March 16, June 15, August 17, October 19, and November 16. She asked the members to try to keep the other meeting dates open in case a meeting is called.

Regina Frazier came into the meeting.

Ms. Wickwire stated that the terms for all members of this Committee expire in August of 2006. Over the next few months she will be sending applications to the citizens-at-large to reapply for their positions. Those members representing organizations will need to be reappointed by the appropriate organization. Letters will be sent from the BCC office to those organizations requesting a representative. All members must submit an application if one is sent even if he or she was recently appointed. The applications are also available online. She noted that the agricultural community representative must also submit an application.

Ms. Wickwire discussed impact fee credits on the former Waterman Hospital property, noting that if these credits are purchased, they can only be used on that property. She informed the building official in Eustis of that fact. In response to Ms. Kaminski, Ms. Wickwire said no impact fees are charged on parking lots.

**MOTION by Bill Calhoun, SECONDED by Robert Miller to adjourn the Lake County Impact Fee Committee at 10:25 a.m.**

**FOR:** Kaminski, Royce, Benham, Calhoun, Hurlbert, Irby, Jim Miller, Robert Miller

**AGAINST:** None

**NOT PRESENT:** Crosby, San Fratello

**MOTION CARRIED:** 8-0

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Jean Kaminski  
Chairman